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EXAMINER

SWARTHOUT, BRENT

ART UNIT PAPER NUMBER

2632

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 12

Application Number: 09/650,425

Filing Date: August 29, 2000

Appellant(s): KENNETH FLICK

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MARK R. MALEK

For Appellant

Art Unit: 2632

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 5, 2002.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

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**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

This appeal involves claims 1-30.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

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Arguments were filed 5-9-02 after final, but no amendment was included. Remarks filed were considered.

No amendment after final has been filed.

**(5) Summary of Invention**

The summary of invention contained in the brief is correct.

**(6) Issues**

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows: the issue presented on appeal is whether claims 1-30 are patentable under 35 U.S.C. 103 over Mueller et al., Soley, or in combination with Suda or L'Esperance et al.

**(7) Grouping of Claims**

The rejection of claims 1-30 stand or fall together because appellant's brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

|           |                    |         |
|-----------|--------------------|---------|
| 6,140,914 | Mueller et al.     | 10-2000 |
| 5,543,776 | L'Esperance et al. | 08-1996 |
| 5,990,785 | Suda               | 11-1999 |

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**(10) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5-7, 9-11, 12, 15-17, 19, 21-23, 25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al.

Mueller teaches a vehicle security system with sensors 250, controller means 200, siren 33, shock detector circuit 250, and means 252/254 for causing a siren to sound responsive to a security alarm signal, and for controlling a signal 228/242 responsive to detected shock, except for specifically disclosing use of a housing, for carrying the siren generator, shock detector and transducer for causing siren to sound.

However, since Mueller discloses use of a housing for receiver/controller 14 (see Fig. 1), choosing to provide a housing for other components of the alarm system would have been obvious to one of ordinary skill in the art, in order to protect components from damage

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due to environmental and positioning factors, such as moisture, rocks, tar, engine heat, etc.

Furthermore, choosing to take plural known components and make integral in a common housing would have been an obvious matter of engineering choice, lacking some unexpected result (see *In re Larson*, 340 F.2d 965 968 144 USPQ 347, 349 (CCPA 1965)).

In the present claims, no housing structural elements are claimed which would have led to an unexpected result by placing plural components within the housing. The claim merely recites "a housing" for carrying the components.

Choosing to use a housing with plural components would have been an obvious manner of engineering choice, based on such factors as whether a new vehicle was used or alarm was a retro-fit, available space in engine compartment, desirability for replacement of a whole alarm system for maintenance versus replacement of individual elements, and other considerations which would have been obvious to an ordinarily skilled artisan.

Regarding claim 3, Mueller has armed/disarmed modes (col. 7, line 9).

Regarding claims 5-6, Mueller teaches providing different levels of alarm based on shock intensity (col. 7, line 60-col. 8, line 2; col. 8, lines 40-58).

Regarding claim 7, siren 33 would have inherently included some type of speaker means.

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Regarding claims 9-10, Mueller teaches use of receiver 14 and remote transmitter 20, the transmitter capable of sending different codes (col. 5, line 15; col. 13, lines 9-20).

Claims 2, 12, 20 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al in view of Suda.

Suda discloses a vehicle security system wherein the security system is disabled when ignition is turned on (col. 7, lines 1-5).

It would have been obvious to use a system disabled command upon engine ON condition in a system as disclosed by Mueller, in order to prevent false alarms.

Claims 4, 8, 14, 18, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller et al in view of L'Esperance et al.

L'Esperance teaches a vehicle security system employing both a shock sensor 44 and Hood switch 16. It would have been obvious to use a hood switch in combination with a shock sensor in a vehicle security system as disclosed by Mueller, in order to protect a vehicle from a larger number of intrusions. Since L'Esperance teaches that hood switch and shock sensor are directly connected via means 10, choosing to operatively couple the two sensors in a system as taught by Mueller would have been obvious, merely depending on the locations of the sensors in the vehicle, since they would both be interconnected to the system controller.

Regarding claim 8, since L'Esperance discloses hood switch mounted within engine compartment, choosing to place other security system

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components under the hood would have been obvious, in order to provide protection from the elements and tampering.

**(11) Response to Argument**

On page 6 of the appeal brief appellant argues that it would have been obvious to combine the separate housings of the shock sensor and siren of Mueller into a common housing.

Although Larson (1965 CCPA) does not specifically state that plural housings can be made integral, it does provide basis that it would have been an obvious matter of engineering choice to make separate known components integral, lacking an unexpected result. In the present case, since no housing structural elements are claimed which would provide an unexpected result, and siren circuit, shock detector and siren transducer would have operated in exactly the same manner as if they were separate, choosing to provide the plural components in a single housing would have been an obvious manner of engineering choice, in order for ease of maintenance, replacement or retro-fitting.

Furthermore, the housing limitation is broad enough to be read on by the body structure of the vehicle itself. The vehicle chassis and body house all the claimed components.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brent Swarthout



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BAS/ayc  
October 1, 2002

*Brent Swarthout*

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